

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 1-20 are pending in the present application. Claims 1, 3, 12 and 20 were each amended to clarify the present invention and to correct certain informalities. No new matter was added.

Withdrawal of all objections and rejections is respectfully requested for the reasons set forth below.

Claim Objections

Claim 3 was objected to because of the following informality. The phrase "and one of are each spaced" in line 3 was considered to be missing a phrase or word and appropriate correction was deemed required.

Claim 3 was amended by replacing the recitation of "one of are each" with the phrase "one of each are" so as to clarify that claim 3 recites the alternative limitations that the first and third axes are arranged either such that "each are spaced a substantially equal distance in a perpendicular direction with respect to the second axis" or "each intersect the second axis". In view of the above-discussed amendment, Applicants respectfully requests withdrawal of the objection to claim 3.

Rejection under 35 U.S.C. § 112, first paragraph

Claim 20 was rejected under 35 U.S.C. § 112, first paragraph, for not providing enablement for a first horizontal axis being generally disposed within a vertical plane. It was asserted that the specification does not enable a person skilled in the art to which it pertains to make the invention commensurate in scope with the claims.

Applicants believe that the following description, at page 15, line 35 - page 16, line 8, provides enablement to make the invention as recited in claim 20: "Further, the connective member 18 is preferably arranged on the screed assembly 10 such that the connective member centerline 25 and the first pivot axis 20 are generally disposed within a common, substantially vertical plane, i.e., the connective member centerline is spaced substantially above and intersects with the first pivot axis 20." As shown in Figs. 3, 12, 13A, and 13B, the centerline (25) of the connective member (18) extends both horizontally and vertically with respect to the first pivot

axis (20), such that the plane (not depicted) that contains both the centerline (25) and the axis (20) must necessarily be substantially vertical.

Therefore, Applicants believe that the specification does provide sufficient enablement for the recitation of "the connective member centerline and the first axis being generally disposed in a common vertical plane" as recited in claim 20. As such, Applicants respectfully request that the rejection of claim 20 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. The phrase "when the first screed plate rotatably displaces about the first axis, the second screed plate pivotably displaces with respect to the connective member while a distance between the first and second ends of the connective member remains substantially constant" in claims 1, 12 and 20 was considered unclear. Specifically, it was asserted to be unclear as to how or what causes the second screed plate to be pivotally displaced and that the only connective member capable of displacing the second screed plate is claimed to be non-extending and/or non-retracting during the claimed movement of both screed plates.

In the present invention, a first plate (14) is pivotally attached to a frame (12) so as to pivotable about a first horizontal axis (20), preferably by means of a pivot assembly (52) (Page 5, lines 31-35; Page 10, line 22 - Page 12, line 7). A second screed plate (16) is pivotally connected with the first screed plate (14), preferably by a hinge device (82) (see Page 13, lines 15-32), such that the second plate (16) is rotatably displaceable about a second pivot axis (22) that extends generally perpendicular to the first axis (20) (Page 6, lines 5-10; Figs 4 and 5). A connective member (18) has a first end (24) connected with the frame (12) and a second end (26) pivotally connected with the second screed plate (16), preferably by means of a self-aligning pivot device (95) (Page 18, lines 16 - Page 19, line 17), such that the pivotal displacement of the first screed plate (14) causes the second screed plate (16) to pivot about the connective member (18), preferably about a third axis (23), without any retraction or extension of the connective member (18) being required (Page 6, lines 20-29; Page 7, lines 9-14).

As such, Applicants believe that it is clear from the specification that independent claims 1, 12 and 20 each recite the structure that the two screed plates (14), (16) and the connective

member (18) are arranged such that movement of the first screed plate (14) (by means of the preferred pivot assembly (52), by manual manipulation, or by any other means) causes the attached second screed plate (16) to pivot generally about the first axis (20) and with respect to the connective member (18), without any relative movement of the member (18). Therefore, claims 1-20 are each definite, such that the rejection of claims 1-20 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

Rejection of Claims 1-20 under 35 U.S.C. § 103(a)

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent 3,782,844 of Burgin ("Burgin") in view of US Patent 6,273,636 of Johanpeter ("Johanpeter"). Applicants respectfully traverse this rejection and request that the rejection be withdrawn for the following reasons.

Burgin discloses a screed assembly (12) for a paving machine (10) that includes a screed (14) and a pair of pull arms (16) extending between the screed (14) and a main body (58) of the machine (10) (Column 3, lines 10-23). The screed (14) includes a screed plate (60) pivotally supported on stub beams (68) attached to the pull arms (16) and by adjustment screws (70) extending between the plate (60) and one of the arms (16) (see Column 3, lines 27-37; Fig. 1). By operating the adjustment screws (70), the screed plate (60) is pivotable about the stub beams (68) so as to adjust the screed angle of attack (Column 3, lines 37-41).

Johanpeter teaches an edge-forming device (10) for use with a screed assembly (1) having a screed plate (3) (Column 3, lines 24-30). The edge forming device (10) includes a frame (12) connectable with one of the lateral ends (2) of the screed assembly (1), specifically with a lateral side wall (7) thereof (Column 3, lines 32-33; Column 4, lines 34-41). The edge forming device further includes an edge-forming plate (14) disposed generally below the frame (12) and an adjustment mechanism (16) connected with the frame (12) and with the plate (14) (Column 3, lines 34-43). The adjustment mechanism (16) is configured to displace the plate (14) with respect to the frame (12) so to adjust a vertical position of the edge-forming plate (14) with respect to the screed plate (3) of the screed assembly (1) (Column 3, lines 43-47).

The present invention is patentable over Burgin and Johanpeter for the following and other reasons. First, the cited references, whether viewed alone or in combination, do not teach or suggest a screed assembly that includes "a first screed plate having an inner end" and "a

second screed plate having an inner end pivotally connected with the inner end of the first screed plate" as recited in claims 1, 12 and 20 as amended. The present invention is directed to a screed assembly (10) that includes a first screed plate (14) movably connected with a frame (12) and a second plate (16) pivotally connected with the inner end of the first screed plate (14) (Page 5, lines 24-29). More specifically, the second screed plate (16) is preferably connected with the first screed plate (14) by means of a hinge device (82) that includes a pivot body (84) attached to the inner edge of the first plate (14), a first hinge member (86) attached the first plate (14) and a second hinge member plate (88) attached to the second screed plate (16) (Page 13, lines 15-24).

As discussed above, Burgin only discloses a single screed plate pivotally attached to two pull arms. Johanpeter discloses an edge-forming device having a frame attached to the end of a screed assembly and a plate connected with the frame. The plate of the edge-forming device is not connected with the plate of the screed assembly, and particularly not pivotally connected with the inner end of the screed plate. Therefore, it is clear that the cited references, whether considered alone or in combination, do not teach or suggest a screed assembly that includes a first plate having an inner end and a second plate pivotally connected with the inner end of the first plate.

Further, the present invention as recited in claims 1 and 12 is also patentable over Burgin and Johanpeter as neither reference teaches or suggests a screed assembly that includes "a first screed plate movably connected with...[a] frame..., a second screed plate...pivotally connected with...the first screed plate, and a connective member...connected with the frame...and pivotally connected with the second screed plate such that when the first screed plate rotatably displaces" with respect to the frame "the second screed plate pivotally displaces with respect to the connective member" as recited in independent claims 1 and 12 as amended. In the present invention, the first screed plate (14) is movably connected with the frame (12) so as to be rotatably displaceable with respect to the frame (12) about a first axis (20) (Page 5, lines 31-35). As discussed above, the second screed plate (16) is pivotally connected with the inner end of the first screed plate (14) and the connective member (18) extends between the frame (12) and the second screed plate (16) (see Page 20, lines 5-10; lines 20-32). Specifically, the connective member (18) is pivotally connected with the second screed plate (16) in such a manner that when the first screed plate (14) displaces with respect to the frame (12) about the first axis (20), the attached second screed plate (16) also displaces about the first axis (20) and pivotally displaces

with respect to the connective member (18) (see Page 6, lines 20-30; Page 16, line 16- Page 17, line 26). As such, the angle of attack of the entire screed assembly (10) is adjustable by simply pivoting the first screed plate (14) with respect to the frame (12), thereby simultaneously adjusting the second screed plate (16) (Page 7, lines 9-14).

Burgin only teaches a single plate connected with two pull arms and pivotally adjustable by means of adjustment screws. With regard to Johanpeter, the edge-forming plate (14) is not pivotally connected with a "first" screed plate, such as the screed plate (3), but is only indirectly connected with the screed plate (3) through the connection of the edge-forming frame (12) with a frame end wall (7) of the main screed assembly (1). As such, the only manner by which pivotal movement of the "first" plate (3) on the screed assembly (1) could pivotably displace the edge-forming plate (14) would be by pivoting the entire screed assembly (1) and the entire edge-forming device (10). During such pivoting of the entire edge-forming device (10), the frame (12) and all of the connective members (48) move with the edge-forming plate (14) as a single unit, such that there should be no relative movement between any connective member (48) and the plate (14). Thus, the cited references clearly do not teach or suggest a screed assembly that includes first and second screed plates and a connective member connected with the second screed plate such that movement of the first plate causes the second plate to rotatably displace with respect to the connective member.

Further with regard to independent claim 20, Burgin and Johanpeter do not teach or suggest screed assembly including "a first screed plate movably connected with...[a] frame..., a second screed plate...pivotally connected with...the first screed plate, and a connective member...connected with the frame...and pivotably connected with the second screed plate...such that when the first screed plate is rotatably displaced with respect to the frame about the first axis, a distance between...first and second ends of the connective member remains substantially constant" as recited in claim 20 as amended. As discussed above with regard to claims 1 and 12, Burgin teaches a single screed plate pivotally connected with two pull arms and Johanpeter teaches an edge-forming device having a plate connected to a frame, the frame being attached to a screed assembly. Neither cited reference teaches or suggests a first screed plate movably connected with a frame, a second screed plate pivotally connected with the first screed plate and a connective member attached to the second plate in such a manner that the first screed plate is

displaceable with respect to the frame without varying the distance between the ends of the connective member.

For the reasons discussed above, the present invention as recited in independent claims 1, 12 and 20 is patentable over Burgin in view of Johanpeter, such that the rejection of amended claims 1, 12 and 20 under 35 U.S.C. § 103(a) should be withdrawn. Further, as claims 2-11 each depend from claim 1, claims 13-19 each depend from claim 12, and independent claims 1 and 12 are each patentable over the cited references as discussed above, the rejection of claims 2-11 and 13-19 should also be withdrawn.

Conclusion


Therefore, it is respectfully submitted that all claims pending in the present Application are in condition for allowance. Reconsideration and allowance of pending claims is therefore respectfully requested.

If the Examiner believes an interview, either telephonic or in person, will advance the prosecution of this matter, it is respectfully requested that the Examiner contact the undersigned at the Examiner's convenience.

Respectfully submitted,

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